



Docket No. 64987 SPW/FHB

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Gabriela Chiosis et al.

U.S. Serial No.: 09/938,746

Filed : August 23, 2001

For : METHOD FOR RE-SENSITIZING VANCOMYCIN RESISTANT BACTERIA USING AGENTS WHICH SELECTIVELY CLEAVE A CELL WALL DEPSIPEPTIDE

1185 Avenue of the Americas
New York, New York 10036
June 30, 2003

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

This Information Disclosure Statement is being submitted after the issuance of a first Office Action, but before the issuance of a Final Office Action or a Notice of Allowance. According to 37 C.F.R. § 1.97(c), this Information Disclosure Statement shall be considered if accompanied by the fee set forth in 37 C.F.R. § 1.17(p). Applicants enclose herewith a check which includes the \$180.00 fee under 37 C.F.R. § 1.17(p). Therefore, the subject Supplemental Information Disclosure Statement shall be considered.

In accordance with their duty of disclosure under 37 C.F.R. § 1.56, applicant would like to direct the Examiner's attention to the following references, which are listed on Form PTO-1449 (**Exhibit A**). Copies of the references listed below as items 1-21 are attached hereto as **Exhibits 1-22**, respectively:

1. United States Patent No. 3,067,099, issued to McCormick et al. on December 4, 1962 (**Exhibit 1**);

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2. United States Patent No. 4,322,343, issued to Denobo on March 30, 1982 (**Exhibit 2**);
3. United States Patent No. 4,946,941, issued to Kondo et al. on August 7, 1990 (**Exhibit 3**);
4. United States Patent No. 5,187,082, issued to Hamill and Yao on February 16, 1993 (**Exhibit 4**);
5. United States Patent No. 5,312,738, issued to Hamill et al. on December 4, 1962 (**Exhibit 5**);
6. United States Patent No. 6,037,447, issued to Stack and Thompson on March 14, 2000 (**Exhibit 6**);
7. United States Patent No. 6,180,604, issued to Fraser et al. on January 30, 2001 (**Exhibit 7**);
8. PCT International Application No. PCT/GB89/01279, filed October 26, 1989, International Publication No. WO 91/06566, published May 16, 1991 (**Exhibit 8**);
9. T.G. Emori, and R. P. Gaynes, An Overview of Nosocomial Infections, Including the Role of the Microbiology Laboratory, *Clin Microbiol Rev.*, **6(4)**:428-442 (1993) (**Exhibit 9**);
10. N. Woodford, Glycopeptide-resistant enterococci: a decade of experience, *J. Med. Microbiol.* **47**:849-862 (1998) (**Exhibit 10**);
11. G. L. French, Enterococci and Vancomycin Resistance, *Clin.*

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Infect. Dis., **Suppl 1**:S75-S83 (1998) (**Exhibit 11**);

12. C.T. Walsh, Vancomycin Resistance: Decoding the Molecular Logic, *Science*, **261**:308-309 (1993) (**Exhibit 12**);
13. G.D. Wright et al., Characterization of VanY, a DD-Carboxypeptidase from Vancomycin-Resistant *Enterococcus faecium* BM4147, *Antimicrob. Agents. Chemother.*, **36**(7):1514-1518 (1992) (**Exhibit 13**);
14. P.E. Reynolds et al., Glycopeptide resistance mediated by enterococcal transposon Tn 1546 requires production of VanX for hydrolysis of D-alanyl-D-alanine, *Mol. Microbiol.*, **13**(6):1065-1070 (1994) (**Exhibit 14**);
15. H. P. Netsler et al., A General Method for Molecular Tagging of Encoded Combinatorial Chemistry Libraries, *J. Org. Chem.*, **59**:4723-4724 (1994) (**Exhibit 15**);
16. S. Handwerger et al., Vancomycin Resistance Is Encoded on a Pheromone Response Plasmid in *Enterococcus faecium* 228, *Antimicrob. Agents. Chemother.*, **34**:358-360 (1990) (**Exhibit 16**);
17. A. E. Jacobs and S. J. Hobbs, Conjugal Transfer of Plasmid-Borne Multiple Antibiotic Resistance in *Streptococcus faecalis* var. *zymogenes*, *J. Bacteriol.*, **117**(2):360-372 (1974) (**Exhibit 17**);
18. M. H. Lai and D. R. Kirsch, Induction Signals for Vancomycin Resistance Encoded by the *vanA* Gene Cluster in *Enterococcus faecium*, *Antimicrob. Agents. Chemother.*,

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40(7):1645-1648 (1996) (Exhibit 18);

19. B.L.M. De Jonge et al., Peptidoglycan Composition of Vancomycin-Resistant *Enterococcus faecium*, *Microb. Drug Resist.* **2**:225-229 (1996) (**Exhibit 19**);
20. S. Evers et al., Genetics of Glycopeptide Resistance in Enterococci, *Microb. Drug Resist.* **2**:219-223 (1996) (**Exhibit 20**);
21. P.E. Reynolds, Structure, Biochemistry, and Mechanism of Action of Glycopeptide Antibiotics, *Eur. J. Microbiol. Infect. Dis.* **8**:943-950 (1993) (**Exhibit 21**); and
22. K. Matusmoto, A Vancomycin-Related Antibiotic From *Steptomyces* Sp. K-288, *J. Antibiotics, Ser. A* **14**(3):141-146 (1960) (**Exhibit 22**).

The above listed items 1, 6, and 7 were cited in a search report issued in connection with an international counterpart of the subject application. A copy of the search report is attached hereto as **Exhibit B**.

If a telephone interview would be of assistance in advancing prosecution of the subject application, applicants' undersigned attorney invites the Examiner to telephone him at the number provided below.

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No fee, other than the \$180.00 fee, is deemed necessary in connection with the filing of this Supplemental Information Disclosure Statement. However, if any other fee is required, authorization is hereby given to charge the amount of any such fee to Deposit Account No. 03-3125.

Respectfully submitted,



John P. White
Registration No. 28,678
Gary J. Gershik
Registration No. 39,992
Attorneys for Applicants
Cooper & Dunham LLP
1185 Avenue of the Americas
New York, New York 10036
(212) 278-0400

I hereby certify that this correspondence is being deposited this date with the U.S. Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

Gary J. Gershik 6/30/03
Gary J. Gershik Date
Reg. No. 39,992